

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SHAVONTE HILL,
Appellant,
v.
UNITED STATES OF AMERICA,
Appellee.

Case No. 2:22-cv-01890-APG-BNW

Order Denying Appeal from Magistrate Judge's Detention Order

[ECF No. 1]

Defendant/Appellant Shavonte Hill appeals from the Magistrate Judge's order of detention. I must conduct a *de novo* review of the evidence and make my own independent determination with no deference to the magistrate judge. *United States v. Koenig*, 912 F.2d 1190, 1193 (9th Cir. 1990).

In determining whether to detain or release a defendant, I must consider four factors:

(1) the nature and circumstances of the offense charged, including if it is a crime of violence or involves drugs; (2) the weight of the evidence;¹ (3) the history and characteristics of the defendant; and (4) the nature and seriousness of the danger to any person or the community should the defendant be released. 18 U.S.C. § 3142(g).

This is a serious charge and the evidence against Hill is strong. Hill is charged with devising and carrying out a scheme to defraud financial institutions out of \$13,500 in covid relief

¹ This factor “is the least important of the various factors.” *United States v. Motamedi*, 767 F.2d 1403, 1408 (9th Cir. 1985). “Although the [bail reform] statute permits the court to consider the nature of the offense and the evidence of guilt, the statute neither requires nor permits a pretrial determination that the person is guilty.” *Id.* (citations omitted). “[I]f the court impermissibly makes a preliminary determination of guilt, the refusal to grant release could become in substance a matter of punishment.” *Id.* Accordingly, this factor “may be considered only in terms of the likelihood that the person will fail to appear or will pose a danger to any person or to the community.” *Id.*

1 funds (PPP loan). He allegedly submitted the PPP loan application using his true name, address,
2 photograph, social security number, and driver's license. He allegedly submitted a fraudulent
3 IRS form bearing his name and social security number, and he requested that the loan proceeds
4 be deposited into a bank account opened under his name, address, and social security number.

5 Hill allegedly took these actions while under supervision of the United States Probation
6 Office for a prior felony conviction. He also has arrests and convictions for firearm violations
7 and conspiracy to commit forgery. Hill has a history (although some of it is dated) of probation
8 violations and contempt of court, and bench warrants have been issued for him several times.

9 Hill's propensity to violate conditions of supervision and to illegally possess firearms
10 clearly and convincingly shows that he is a danger to the community and a flight risk. His
11 history of violating release conditions indicates that no condition or combination of conditions
12 could be fashioned to assure his appearance in court and reasonably protect the community
13 against the risk of danger Hill poses. I adopt Magistrate Judge Ferenbach's findings.

14 I THEREFORE ORDER that Shavonte Hill's appeal from Judge Ferenbach's detention
15 order (**ECF No. 1**) is **DENIED**.

16 I FURTHER ORDER the clerk of the court to close this file as nothing remains to be
17 done with it.

18 DATED THIS 9th day of November, 2022

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21 UNITED STATES DISTRICT JUDGE
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